

RECEIVED

JUL - 2 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY



DOCKET FILE COPY ORIGINAL

ZULIMA V. FARBER
PUBLIC ADVOCATE

State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE
DIVISION OF RATE COUNSEL
31 CLINTON STREET, 11TH FLOOR
P.O. BOX 46005
NEWARK, NEW JERSEY 07101

SUSAN L. REISNER
DIRECTOR

July 2, 1993

RECEIVED

TEL: (201) 648-2690
TEL/FAX: (201) 624-1047
MODEM TELE: (201) 648-3084

JUL 2 1993

FCC MAIL ROOM

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

RE: In the Matter of Implementation of Sections of
the Cable Television and Consumer Protection
and Competition Act of 1992 Rate Regulation
MM Docket No. 92-266
FCC 93-177

Dear Ms. Searcy:

Enclosed please find an original and 11 copies of the Reply
Comments of the Department of the Public Advocate, Division of Rate
Counsel for the above matter.

Thank you for your consideration.

Very truly yours,

Robin J. Portnoi
Deputy Public Advocate

RJP:bv

Enclosure

No. of Copies rec'd
List A B C D E

040

RECEIVED

'JUL - 2 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

would not appear to be a reasonable proxy for competitive systems.

This is confirmed by the fact, identified by the Commission, that while few such systems exist, the magnitude of the difference between them and systems actually facing competition is great enough that the rate differential would more than double by their exclusion. FNPR, ¶ 561. Such an exclusion would effectuate Congress' intent to provide consumers with the level of cable rates they would enjoy if their systems were subject to competition. Should the Commission conclude that it may not legally exclude low penetration systems from the calculation entirely, Rate Counsel believes that they should be given significantly less weight in the determination of the competitive differential.

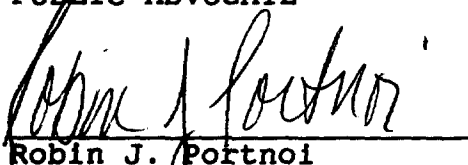
The Commission has identified an opportunity to more fully bring to consumers the promise of the Cable Act. As the agency in possession of the expertise and legal obligation to implement the Act, the Commission must take every action available to it to relieve consumers from the burden of noncompetitive cable rates. Ensuring that its benchmark most accurately reflects the rates of competitive systems is the Commission's responsibility under the

Act. We therefore urge that the Commission take the strongest possible action to do so.

Respectfully submitted,

ZULIMA V. FARBER
PUBLIC ADVOCATE

By:


Robin J. Portnoi
Deputy Public Advocate
Department of the Public Advocate
Division of Rate Counsel
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, New Jersey 07101
(201) 648-2690

DATED: July 2, 1993